

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 08, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS,

Plaintiff,

v.

NO NAMED DEFENDANT,

Defendant.

NO: 2:20-CV-00452-RMP

ORDER DISMISSING ACTION

By Order filed April 2, 2021, the Court granted Plaintiff Charles Joseph Reeves thirty days to voluntarily dismiss this action. ECF No. 16. The Court found that Mr. Reeves's *pro se* submission, a two-page Standard Form 95 ("SF 95") plus attachments, filed while he was incarcerated at the Spokane County Corrections Center, did not support a federal tort claim. *Id.* at 4–6. Consequently, Plaintiff's claims were subject to dismissal for lack of subject matter jurisdiction. *See McNeil v. United States*, 508 U.S. 106, 110, 113 (1993).

Plaintiff is currently housed at Comprehensive Health Care - Yakima Competency Restoration, and is proceeding *in forma pauperis*, but without the

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1 obligation to pay the \$350.00 filing fee for this action. ECF No. 15. Plaintiff did
2 not avail himself of the opportunity to voluntarily dismiss this action.

3 Accordingly, **IT IS ORDERED:**

4 **1.** This action is **DISMISSED** without prejudice for lack of subject matter
5 jurisdiction.

6 **2.** Based on the Court's reading of *Hoffmann v. Pulido*, 928 F.3d 1147,
7 1152 (9th Cir. 2019), this dismissal will NOT count as a "strike" under
8 28 U.S.C. § 1915(g).

9 **3.** This case is **DISMISSED** and **CLOSED**.

10 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter
11 this Order, provide a copy to Plaintiff and **CLOSE** the file. The Court certifies
12 pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be
13 taken in good faith and would lack any arguable basis in law or fact.

14 **DATED** June 8, 2021.

15
16 s/ Rosanna Malouf Peterson
17 ROSANNA MALOUF PETERSON
18 United States District Judge
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